

### **REMARKS**

Claims 1 through 3 remain pending in the present application. Claim 1 has been amended. Basis for the amendment can be found throughout the specification, drawings and claims as originally filed.

#### **Rejection Under 35 U.S.C. §112, second paragraph**

The Examiner has rejected Claim 1 under 35 U.S.C. §112, alleging it to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claim 1 to remove the “such as” language to overcome the Examiner’s §112 rejection. Accordingly, Applicants respectfully request withdrawal of the Examiner’s §112 rejection.

#### **Rejection Under 35 U.S.C. §102(b)**

The Examiner has rejected Claim 1 under 35 U.S.C. §102(b) alleging it to be anticipated by Bleich et al.

Claim 1 has been amended. Claim 1 further defines the electrical cable in combination with an electrical connection box to be mounted on an automobile. The cable is used to form an internal circuit in the electrical connection box. The electrical connection box includes an electrical cable. The cable includes a connector made of an aluminum base metal with a heat resistant resin.

The Bleich reference, relied on by the Examiner, fails to disclose or suggest Applicants’ invention. The Bleich reference illustrates a coaxial cable. The crux of the Bleich invention relates to the fact that the cable includes a highly flame retardant cable jacket. The cable jacket provides fire retardation, as well as smoke suppression. Nowhere does the Bleich et al reference speak to an electrical connection box with an electrical cable having an aluminum based

conductor. Bleich neither discloses nor suggests Applicants' invention as now claimed. Accordingly, Applicants believe Claim 1 to be patentably distinct over the art cited by the Examiner.

### **Rejection Under 35 U.S.C. §103**

The Examiner has rejected Claims 2 and 3 under 35 U.S.C. §103 as being unpatentable over Applicants' admitted prior art (AAPA) in view of the Bleich et al reference. The Examiner states "AAPA does not disclose that the conductor is made from an aluminum based metal, nor that a welding material/conductive adhesive is used at a contact portion between the conductor and the insulation displacement slot."

The Examiner alleges that Bleich et al disclose an aluminum based conductor and that welding material and conductive materials are well known in the electrical art to bond elements together. Neither Bleich et al or the Examiner's naked assertion speak to the problem to be solved. The problem is that the aluminum material is not elastic and thus does not spring back into a connector as does copper material. Inventively, Applicants found that in order to use an aluminum wire material, the aluminum wire material must be held in the position in order to have maximum conductivity. Thus, there is no suggestion or motivation in Applicants' admitted prior art, or in the Bleich et al reference, which suggests welding or adhering the two together. The Examiner's §103 rejection must rest on a factual basis with the facts being interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, the Examiner has the initial duty of supplying the factual basis for the rejection he advances. The Examiner may not, because he doubts that the invention is patentable, resort to speculation unfounded assumption or hindsight reconstruction to supply deficiency in the factual basis. Here, the Examiner has failed to advance any factual basis to support his conclusion of the effect

that it would have been obvious to one skilled in the art to modify Applicants' admitted prior art. The Examiner's position appears to be based on impermissible hindsight gleaned from Applicants' own disclosure.

Accordingly, Applicants believe Claims 2 and 3 to be patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at her earliest possible convenience. Should the Examiner have any questions regarding the present application, she should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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Enclosures